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SUMMARY RECORD OF THE 823rd MEETING

Held at the Palais Wilson, Geneva,
on Friday, 27 September 2002, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Moldova (CRC/C/28/Add.19; CRC/C/Q/MOL/1; HRI/CORE/1/Add.114; written replies of the Government of Moldova to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Moldova took places at the Committee table.

2. Ms. APOSTOL (Moldova) said that her delegation welcomed the opportunity to discuss the initial report with the Committee and provide further information. Although Moldova had not participated in the World Summit for Children, being a part of the Soviet Union at the time, it had since signed the Declaration and Programme of Action. The Moldovan Parliament had also ratified the Convention in 1995 and had subsequently taken a number of related legislative measures. Although much remained to be done, the groundwork had been reflected in a preliminary report submitted in November 2000.

3. The current report was mainly in two parts. The first dealt with the political structure and legislation related in general to matters of child welfare. The second dealt with general principles, including definition of the child in law, and outlined some special measures designed to protect the health and welfare of children and the family. After preparation of the initial report, the Government had continued its efforts, with some success, to align legislation with the provisions of international human rights instruments. For example, the Government had adopted, in June 2000, a national programme to diminish poverty and had approved, in December 2001, a midterm social and economic strategy as well as an interim strategy for diminishing poverty. Such measures were part of the ongoing efforts to achieve steady, sustainable economic growth, for the benefit of all society, particularly the young. During the period 2000-2002, the Government had adopted a number of decrees and initiated measures such as a draft programme of action to enhance the rights of the child in areas such as schools, orphanages and systems of guardianship. In addition, a strategy had been established to promote employment opportunities for persons in certain categories, including women, young persons and the handicapped. But economic difficulties and complex social situations presented obstacles to uniform progress.

4. A law adopted in April 2002 was designed to improve the provision of care for disabled children up to the age of 16 years and to assist those responsible for their upbringing. The funds allocated to such services had recently been doubled. Further facilities, such as increased medical care, rehabilitation assistance and access to information, had been improved as part of the National Programme for Social Integration 2000-2005. In addition, a government commission on problems of the disabled had established two pilot programmes, for orphans and

invalids respectively, approved in February 2002, by the Coordinating Council for the Strategies for Diminishing Poverty. Other efforts included the establishment of two working groups, with UNICEF cooperation and the participation of non-governmental organizations, independent trade unions, scientists and other academics, to draft legislation for the protection of children in difficult circumstances; one of its aims was to provide suitable day centres and other institutions run to internationally recognized standards.

5. With regard to care centres for the handicapped, the draft standards would focus on the need for individualized programmes for care and rehabilitation. The Criminal Code was also being amended to provide measures to deal with the problem of street children in general and with particular problems such as the use of handicapped children for the purpose of begging. The new regulations, to enter into force on 1 October, would also involve local authorities and empower them to deal with situations of vagrancy.

6. Violence against children was a problem of special concern to the authorities. The Criminal Code did provide sanctions for any form of violence, including domestic violence, against children; in addition, the Law on Education prohibited physical assault on students. It was difficult in practice, however, for the authorities to monitor violence, especially in the family. No official statistics existed in that regard, but a 2001 UNICEF survey, involving 400 children and young persons showed that over 50 per cent of those questioned had been subjected to some sort of physical or mental violence, including sexual abuse.

7. Amendments were accordingly being drafted to a number of laws and measures were being adopted by a number of ministries to prevent violence against children. For example, during the past year the Ministry of Internal Affairs, the Ministry of Health and the Ministry of Labour and Social Protection, with the assistance of NGOs, had been developing training and awareness-raising programmes for the use of persons such as police officers, family doctors and social workers. The Ministry of Labour and Social Protection was also taking measures to prevent trafficking in women; the measures included the setting up of cooperation centres with the participation of women's associations such as the University of Moldova's centre for women and the Society of Women Journalists. In addition, a number of programmes had been introduced for the care and rehabilitation of victims of domestic violence, as part of a range of family advisory services that included family planning and reproductive health.

8. Another problem of serious concern was that of children left without family care because parents had travelled abroad to seek work. Centres had been established to care for such children, who were usually admitted at the request of other relatives. Retention in an institution was regarded as a last resort; other solutions, such as foster parenting and guardianship, were sought first. A number of NGOs were involved in that work, which included the planning of financing and methodology for various forms of child maintenance; one example was the Chişinău Centre for mothers and children. There was also a programme to establish centres operated by the formal and informal sectors, with support from the Swiss Development Agency and the European Trust for Children. In July 2002, resources had been earmarked from the Government Reserve Fund for the repatriation of some 45 lone Moldavian children in various countries.

9. In November 2001, the National Committee to Combat Traffic in Persons had set up three expert groups, including representatives of NGOs: one to consider appropriate legislative amendments to deal with the problem; one to develop preventive measures; and one for the provision of assistance to victims. In addition, the adoption by the Ministry of the Economy of a State programme of support for small businesses for the period 2002-2005 was aimed, inter alia, at suppressing illegal trading, including such trafficking. One major obstacle to progress was the lack of resources, and increased international assistance was urgently needed.

10. A further problem was the growing incidence of tuberculosis in children; 105 cases had been diagnosed in 2001, compared to 72 in 2000. A national programme to combat the disease had been established, in cooperation with WHO. The incidence of HIV/AIDS likewise caused concern. Two children having recently been diagnosed, the Ministry of Health had taken immediate steps, including information and prophylaxis programmes, with international financial assistance.

11. With regard to the legal status of children, Moldova had no special criminal court or specialized personnel for the young - a shortcoming that needed to be addressed. It was not possible to establish a special legal system for juveniles, although a system of specialized personnel could be established, and there were ways to provide special procedures under the Code on Administrative Contraventions and the Code of Criminal Procedure. In general, civil society was being actively involved in activities related to the rights of the child, and the Government was in constant touch with international agencies and NGOs. It was taking the requisite reform measures, especially with regard to legislation and monitoring mechanisms. Much more needed to be done, however, and it was hoped that the State could devote more efforts to the protection of children, legally, economically and socially.

12. Ms. AL-THANI thanked the delegation for the additional information contained in the introduction. She was concerned about the delay in presenting the report, which had arrived six years late, even beyond the date when a second periodic report would have been due. She noted that Moldova had signed the ILO Minimum Age Convention, 1973 (No. 138) but not the Worst Forms of Child Labour Convention, 1999 (No. 182). She was pleased that Moldova had signed both optional protocols to the Convention, and encouraged it to ratify them.

13. In general, the report was informative on legislation but said little about implementation. There was very little self-criticism in the text, except perhaps with regard to health and education, although the oral introduction had been more analytical. The final paragraph referred to the sources used in the report's preparation, but there was nothing to show how it had in fact been prepared; for example, she wondered whether children themselves had been involved.

14. Concern had been voiced about the situation of children in the province of Transnistria. Although that region was under separate control, the welfare of children there was the concern of the Government.

15. With regard to budgeting for health care, she would like to have clarification of the terms "planned" and "achieved" used in Part I.2 of the written replies. Moreover, since the figures shown against the latter term were less than those for the former, it seemed that budget allocations for health and education might be falling - contrary to the Convention's provisions, which called for use of the maximum available resources for the implementation of the rights recognized in it.

16. Despite the existence of a policy of non-discrimination, some groups, such as disabled children, did not enjoy specific protection and, in practice, continued to suffer from discrimination. Lastly, she asked the delegation to respond to complaints made by some children regarding the lack of opportunities to express opinions on matters that concerned them.

17. Ms. SARDENBERG said that dialogue with the Committee was particularly significant for the State party, as it was a recently independent country, still working to develop its legislative framework. The approach to child rights taken in the Convention would help to consolidate democratic principles. The report contained information regarding training programmes to disseminate the Convention, but she would be interested to know how the Government intended to publicize its general principles. In the light of decentralization, and the relatively small proportion of NGOs working in rural communities, she wanted to know how the Government managed to implement central policies at the local level. She asked for further details of how data collected by the authorities was used to formulate child policies and programmes. The delegation should also describe how NGOs had been involved in the preparation of the report, and whether NGOs were responsible for service provision in some sectors.

18. Ms. CHUTIKUL said that, according to information in the written replies, the tasks of the National Council for Child Rights Protection included both the monitoring of child rights and the coordination of policy development. She would be interested to know how those two functions were combined, and whether an independent monitoring mechanism had also been set up. She understood that the Council was comprised solely of representatives of government ministries. Consequently, and in view of the frequent changes of government, she failed to see how it could ensure continuity. The delegation should also explain why there appeared to be no input from civil society.

19. She asked for further details concerning the National Concept on Child and Family Protection, including an explanation of its relationship with the National Council and with the Inter-Ministerial Working Group set up with UNICEF support. It would be useful to hear what the target age group was for the National Action Plan for Youth. She asked whether the Centre for Human Rights had a specific mandate to consider complaints from children or review the consistency of domestic law with the provisions of the Convention.

20. Ms. KHATTAB said it was hard to discern an overall strategy for the implementation of new laws. She would like to know whether there was a proper mechanism to promote and monitor compliance with the child's right to be heard. Noting a tendency to portray stereotyped images of women in the national media, she said that the assignment of gender-based roles was damaging to the development of the girl child. It was possible to see a direct correlation between the perpetuation of such attitudes and the tendency for young girls to leave the country to

become involved in prostitution. She asked whether there was a mechanism for monitoring the progress of girls who went abroad in search of work. For instance, registration and closer contact with embassies could be used to ensure that fewer girls fell into prostitution.

21. Mr. CITARELLA said that political instability was hampering the ability of the State party to implement the Convention. He asked for confirmation that the Government had recently informed the Council of Europe that the main national political party had been suspended from politics owing to a number of irregularities. The delegation should also clarify the status of the separatist Eastern districts. Regarding the status of the Convention, the Constitutional Court had ruled that international legal instruments took precedence over domestic law. Yet, at the same time, the Court retained the power to question the constitutionality of any international instrument. He asked for concrete examples of application of the Convention by the courts. It would be useful to learn more about the role of the National Council for Child Rights Protection and to hear whether its activities were curtailed by financial constraints.

22. Mr. AL-SHEDDI asked whether the National Council for Child Rights Protection and the Inter-Ministerial Working Group were two separate bodies and, if so, how they were related. He would like to know how decentralization affected the distribution of resources between regions. The delegation should explain how subsidies differed from region to region and how the Government ensured that children enjoyed the same rights throughout the country. He failed to understand why the body set up to supervise preparation of reports to human rights treaty bodies had been given the title "National Commission for Social Problems". He asked whether the Government had sought assistance from UNICEF to overcome the financial difficulties experienced by the Commission.

23. Ms. OUEDRAOGO said that, in general, the report was not analytical enough with regard to the problems hampering implementation of the Convention. In her view, the fact that the age of majority for girls was different to that for boys constituted a basis for discrimination. She asked whether the Government intended to adopt a global definition of the child. It had been indicated in the report that education was mandatory, but nowhere had it been mentioned that it was also free. She expressed concern that disadvantaged families would be unable to send their children to school without a guarantee of free education. She wanted to know whether a study had been undertaken into the causes of the rise in violent child abuse. The delegation should also explain whether children received special attention in the context of measures to combat human trafficking.

24. Ms. KARP asked whether, in the context of political instability, there was sufficient political will to maintain consistent policies and programmes to protect children's rights. She would appreciate an explanation of the reasons for separatist claims in the Eastern districts. In particular, she enquired whether linguistic, ethnic or cultural differences resulted in discrimination within the educational sphere, leading to restrictions on the enjoyment of child rights. She would like to hear how the Government planned to resolve the conflict.

25. It was unclear from the report whether the age of criminal liability stood at 14 or 16 years. She would be interested to know what happened to children between those two ages. Although the legal marriageable age for girls stood at 16 years, she understood that it

could be lowered to 14 in exceptional circumstances. She wanted to know who decided on the existence of such circumstances, and whether the Government believed that girls were ready for marriage at the age of 14 years. Details should also be provided concerning the age of sexual consent, and the age at which children could decide to have medical treatment without parental consent.

26. She requested further information about the Ombudsman's service provided by the Centre for Human Rights. Who was the Ombudsman and what was the nature of the complaints received from children and the results achieved? It would be useful to know what complaints mechanisms were available to children and whether children were aware them.

27. Ms. SARDENBERG said she would welcome further information about migration. It would be interesting to learn how children were affected by the fact that approximately 50 per cent of the population over the age of 15 was working abroad. Did parents leave their children behind in order to seek work abroad? Further information should be provided about the situation of the Roma children. According to some allegations, the Roma faced discrimination in various fields; for example, they were deprived of access to certain public places.

28. Ms. AL-THANI said that the age of military conscription needed clarification. Paragraph 104 of the report revealed that, in accordance with Law No. 968-XII on Obligatory Military Service, all male citizens who had reached the age of 16 would be registered in the military register of the local military authority. However, it went on to state that citizens who had reached the age of 18 were to be conscripted for the obligatory term of military service.

29. The CHAIRPERSON said he would like more information on the role of the Parliamentary Advocate focusing on the rights of the child, appointed in Spring 2001. He would like to know whether the new Government was reconsidering decentralization and planning a move towards the recentralization of certain services.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

30. Ms. APOSTOL (Moldova) said that although Moldova was a young and small country, it was doing its utmost to implement the provisions of the Convention. She assured the Committee that the frequent changes in government did not have a negative impact on children and that one of the common priorities of each Government had been to protect children and mothers. Incoming Governments had never repealed legislation or abolished programmes designed to protect children, only taking steps to build on and improve the existing situation.

31. The National Council for Child Rights Protection was a governmental body responsible for ensuring compliance with the Convention and for developing policies to protect children and families at risk. It was responsible for ensuring that all legislation was in compliance with the international instruments ratified by Moldova and had the power to draft new legislation for consideration by Parliament. The Council was chaired by the Deputy Prime Minister responsible for social issues and included representatives of several ministries and local public authorities. Its partners included international organizations and non-governmental structures such as UNICEF, Save the Children and the European Trust for Children.

32. The Council had played a part in the preparation of the National Concept on Child and Family Protection, the objective of which was to amend the Law on Child Rights to reflect the provisions of the Convention. The project had been developed with the support of UNICEF and had involved a broad range of experts, academics, ministers, international organizations and NGOs. The Council had recently adopted a decision to incorporate into the Concept the creation of a permanent secretariat to be responsible for coordinating all child-related issues, including the activities of non-governmental agencies. Steps had already been taken to implement the decision.

33. Ms. KHATTAB asked whether international organizations and non-governmental structures had a statutory role in the National Council for Child Rights Protection or whether they were invited to participate in order to address specific problems.

34. Ms. APOSTOL (Moldova) said that UNICEF had been made a member of the Council on the basis of a Government decision. The National Concept had been introduced at the same time as a 2002 Action Plan to put into practice the amendments to the Law on Child Rights. While the Plan had been initially prepared as a short-term project, steps had been taken to develop it further, to create a five-year strategy for children and families. Unfortunately, as funding was limited, it was impossible to carry out all the changes that were needed. The Government therefore counted on the support and cooperation of NGOs. The Deputy Prime Minister held regular meetings with other government representatives and NGOs to discuss plans of action, during which NGOs were given the opportunity to make proposals regarding government action for children.

35. Ms. CHUTIKUL said that the State party should indicate whether certain priorities had been set for the five-year strategy, given that the country had such limited financial resources.

36. Ms. APOSTOL (Moldova) said that social support for low-income families was a particular priority. Social assistance was currently provided on request in the form of single payments to help families in the short-term. Child benefits were provided by law on the basis of the child's age. For example, the law recognized mother and child health protection as a priority activity of all State bodies, stipulating that an allowance should be paid to mothers with children up to the age of 18 months. However, the law did not take into account the financial situation of individual families, which meant that Moldova's limited budget often did not reach those who needed it most. Therefore, the authorities had started work on a programme to reform the system of State allowances for families with children. A mechanism had to be created to determine the economic situation of families in order to ensure that sufficient aid was provided to disadvantaged families.

37. Mr. CITARELLA said that as no mechanism existed in Moldova to assess the economic situation of families, he would like to know what criteria the Government used to fix the poverty line, which was currently high, with 60 per cent of the population living below it.

38. Ms. APOSTOL (Moldova) said that the Department of Statistics and Sociological Analysis had recently conducted a survey of a large number of families with the cooperation of

the World Bank in order to determine the poverty line; however, many families had been reluctant to reveal unofficial sources of income, which made it difficult to determine their real economic situation.

39. Another important element of the Government's social services reform strategy was deinstitutionalization, involving the provision of alternative forms of care for children. Currently, many children were living in institutions that fell under the competence of various ministries. UNICEF was supporting the creation of several community-based day-care centres for disabled children, in cooperation with the European Trust for Children and local authorities. One such centre had been opened in September 2002 in the county of Cahul.

40. The local authorities in Chişinău had set up a child protection office that cooperated closely with UNICEF and the European Trust for Children, to coordinate the work of all agencies involved with children, monitor implementation of the Convention and oversee all programmes relating to children. It was hoped that the office would serve as a model for the rest of the Republic.

41. With regard to the minimum age for marriage, she said that in accordance with the Marriage and Family Code, the minimum age for marriage was 18 for men and 16 for women. The age could be lowered for boys in exceptional cases, such as those involving pregnancy, but by no more than two years.

42. By law, the minimum age for conscription was 18. However, beginning at age 16 medical examinations, special medical attention, interviews with military officers and other activities were conducted with a view to preparing youths for life in the military. The new Criminal Code which would soon enter into force set the age of criminal responsibility at 14 for serious and very serious crimes and at 16 for offences that were less severe.

43. Ms. AL-THANI said that certain groups had reportedly brought pressure to bear on the Government to reduce the age of criminal responsibility to 11. How had the Government responded?

44. Ms. APOSTOL (Republic of Moldova) said that their efforts had apparently been ineffective, as the law had already been adopted and would not be modified.

45. There was a strict procedure to ensure that proposed programmes would have the necessary financial backing. It was not possible to adopt any new draft programme unless there were funds earmarked for its implementation and the Ministry of Finance agreed. Some months before, the Ministry of Labour, Social Protection and the Family had drafted a law instituting a programme for disabled children, but it had been impossible to adopt that law because of a lack of budget resources. However, certain aspects of the programme had received the backing of the Ministry of Finance and had been adopted. Because of recurring budget deficits, it was possible that actual spending on programmes fell short of the planned expenditure.

46. The CHAIRPERSON noted that according to the written replies, the planned level of expenditure on pre-school education had been some 179,000 lei, while actual spending amounted to about 161,000 lei. What accounted for the failure to spend all the money allocated to the various programmes?

47. Ms. APOSTOL (Republic of Molodova) said that in the case in point, the number of children enrolling in State-financed pre-school educational institutions had declined because many parents, in particular those in cities, had begun sending their children to private establishments offering better conditions. In addition, because of rising unemployment in rural areas, many children were left in the care of family members. As a result, there had been a decline in preparedness for elementary school among rural pupils starting school. The State implemented certain programmes to promote the interests of such children, for example by giving them special attention and food support.

48. The CHAIRPERSON requested additional information on the role and functions of the Ombudsmen, in particular the Parliamentary Advocate for children's rights, and asked what complaint mechanisms existed for children.

49. Ms. APOSTOL (Republic of Moldova) said that the Ombudsmen, or Parliamentary Advocates as they were called in Moldova, worked closely with State bodies and took action when complaints were forwarded to them. They were not, however, particularly active in the education field. In most cases, if a child at school had a complaint, he or she approached the teacher. If the grievance concerned the teacher, the child could then appeal for help through the parents or could lodge a complaint with the school principal or administration. The matter could be handled locally or forwarded to the appropriate authorities or ministry for resolution. There was still a very strong tradition in Moldovan society according to which domestic problems should remain a private matter, and with the exception of material hardship, a domestic problem had to be very serious before a child would request help.

50. Ms. KHATTAB said that it was problematic that the child must appeal through the school administration for help from the Parliamentary Advocate. What if the grievance concerned the school? To be effective, the complaints mechanism must be more direct.

51. Ms. OUEDRAOGO noted the need to change attitudes so as to make teachers and parents more receptive to children's views and complaints.

52. Ms. SARDENBERG noted that according to the Core document, three Ombudsmen had been appointed in 1997, and in 2001 a Parliamentary Advocate for children's rights had been appointed. Which of the Ombudsmen dealt with children's issues?

53. Ms. APOSTOL (Republic of Moldova) said that there had been many cases in which children had sought the assistance of the Ombudsman who was a member of the National Council for Child Rights Protection.

54. Ms. AL-THANI asked for clarification of the statement in the report according to which, when a child in a State institution fell ill as a result of the parents' failure to respect a doctor's

recommendations, the parents must pay compensation for the child's support and treatment. Did that mean that parents had no discretionary rights in deciding upon a course of action when their children were ill?

55. It had been estimated that some 15,000 children were deprived of a family environment and were living outside their homes. Many had been abandoned because of disabilities, diseases such as HIV/AIDS, or poverty, while others had been removed from their families by court decisions. Most such children had been placed in institutions. It was encouraging that the State party had decided to phase out institutionalization in favour of placement of children in the homes of their families or extended families or in foster care, all the more so since the living conditions in institutions in Moldova were reputed to be unacceptably poor.

56. The Government had decided to focus resources for health care on basic and primary care, which was a welcome step. Were any efforts being made to change attitudes towards the disabled, who were still referred to as "invalids" and "handicapped persons"? Was the Government attempting to ensure that they could be integrated into mainstream cultural activities and in society in general?

57. The infant, under-five and maternal mortality rates were extremely high, as was mortality attributable to respiratory illnesses, a preventable cause of death. What was being done to address such issues? The use of sanatoriums for patients suffering from tuberculosis had been proven to be an inadequate and outmoded form of treatment. Did the Government have any plans to bring that practice to an end?

58. Ms. KHATTAB said that although the Family Code made provision for children to express their opinions, apparently they were unable to do so in practice, as children's views were not sought in cases of divorce or adoption. If the State party considered the establishment of children's courts to be excessively costly, perhaps it would be advisable to ensure that at least some court and legal staff were properly trained in methods of dealing with children.

59. Ms. CHUTIKUL expressed concern at the fact that the Ombudsmen system was not functioning well for children's rights and that there was no effective monitoring system. The three Parliamentary Advocates working in the Centre for Human Rights were supposed to report to Parliament. Did their report include any information on children? Had the multiple indicator cluster survey been drawn up by or with the assistance of UNICEF? How had it been formulated?

60. Mr. CITARELLA asked whether there was any procedure to seek the opinions of the child in cases of separation or divorce, and approximately how many abandoned children had been placed in institutions. According to some reports, couples from other countries wishing to adopt Moldovan children had to pay up to $3,500 to arrange for an international adoption. He would appreciate the delegation's comments.

61. Ms. OUEDRAOGO asked whether there was any way to obtain maintenance payments from Moldovan parents who left the country and abandoned their children. Did the State party provide sexual and reproductive health education courses for teenagers in order to address the problems of teenage pregnancy, substance abuse and HIV/AIDS? What measures were being taken against substance abuse among teenagers?

62. The CHAIRPERSON, asked the delegation to comment on reports that the State party's efforts to ensure child protection were fragmented, involved an excessively large number of ministries and were ineffective. In the delegation's view, did the National Council for Child Rights Protection take on too many cases, and did it have a coherent long-term policy?

The meeting rose at 1.05 p.m.